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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/775,336	02/01/2001	Swinton B. Burkhalter	101	9210

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EXAMINER

COBANOGLU, DILEK B

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/775,336

Applicant(s)

BURKHALTER ET AL.

Examiner

Dilek B. Cobanoglu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-16 have been examined.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the, line subject matter as a whole would have been obvious at the time the invention was made t to col. o a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Libman (U.S. Patent No.5,987,434) in view of Gamble et al. (U.S. Patent No. 6,163,770).

A. As per claim 1, Libman discloses a method for forming an insurance plan comprising the steps of:

- i. collecting base product data (Libman; col.7, lines 47-50);
- ii. inputting said base product data into a data processing apparatus (Libman; col.7, lines 47-50);
- iii. collecting data relating to an individual to be insured (Libman; col.7, line 59 to col.8, line 3);
- iv. inputting said data about the individual into a data processing apparatus (Libman; col.7, lines 34-35);
- v. collecting regulatory requirements (Libman; col.12, lines 34-37);
- vi. inputting said regulatory requirements into a data processing apparatus (Libman; col.9, lines 29-38);

- vii. choosing or forming a life insurance product (Libman; col.9, lines 50-63);
- viii. inputting said life insurance product choice into a data processing apparatus (Libman; col.19, lines 1-10);
- ix. choosing or forming a long-term care product (Libman; col.9, lines 50-63);
- x. inputting said long-term care product choice into a data processing apparatus (Libman; col.19, lines 1-10);
- xi. forming in a data processing apparatus at least two separate but related insurance policies (Libman; col.9, lines 43-63);
- xii. and displaying the resulting related policies (Libman; col.14, lines 9-23 and col. 6, lines 1-14).

Libman fails to expressly teach disproportionately allocating expenses, benefits and obligations regarding said policies among said at least two separate but related policies formed from said life insurance product and said long-term care product, per se, since it appears that Libman is more directed to select plans or financial products which best meet a specified set of decision criteria (Libman; col.9, lines 43-46) However, this feature is well known in the art, as evidenced by Gamble et al.

In particular, Gamble et al. discloses a disproportionately allocating expenses, benefits and obligations regarding said policies among

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said at least two separate but related policies formed from said life insurance product and said long-term care product (Gamble et al.; col. 10, lines 21-46).

It would have been obvious to one having ordinary skill in the art at the time of the invention to have combined the select plans or financial products which best meet a specified set of decision criteria with the disproportionately allocating expenses, benefits and obligations regarding said policies among said at least two separate but related policies with the motivation of savings in a claims cost of the first insurance policy can be used to reduce the premiums charged to consumers or to add additional benefits and/or coverage at no additional cost to the consumer (Gamble et al.; col. 7, lines 41-49).

xiii. comparing said at least two separate but related policies with said regulatory requirements (Libman; col.12, lines 34-37);

The obviousness of modifying the teaching of Libman to include at least two separate but related policies formed from said life insurance product and said long-term care product (as taught by Gamble et al.) is as addressed above in the rejection of claim 1, section xii and incorporated herein.

xiv. determining ownership, beneficiary and premium obligors of said at least two separate but related policies (Libman; col.16, lines 24-33 and col. 7, lines 34-42);

The obviousness of modifying the teaching of Libman to include at least two separate but related policies formed from said life insurance product and said long-term care product (as taught by Gamble et al.) is as addressed above in the rejection of claim 1, section xii and incorporated herein.

B. As per claim 3, Libman discloses a method as claimed in claim 1 wherein: data relating to an individual includes information concerning one or more of the following subjects: his/her sex, age, marital status, individual medical history, family medical history, usage of alcohol, tobacco and drugs, automobile driving record, credit report, financial statement, criminal record, current medical examination report and results, and physical disabilities and impairments (Libman; col.7, lines 34-42).

C. As per claim 4, Libman discloses a method as claimed in claim 1 wherein: life insurance product includes one or more of the following: whole life, interest sensitive whole life, universal life, variable universal life, and term life (Libman; col.16, lines 59-62).

D. As per claim 5, Libman discloses a method as claimed in claim 1 wherein: long-term care includes insurance from one or more of the following coverages: disability insurance, long-term care insurance, critical illness insurance,

accidental death insurance, health insurance, major medical insurance, immediate annuities, deferred annuities, other annuities, property insurance, casualty insurance and multi-risk insurance (Libman; col.9, lines 57-63).

E. As per claim 6, Libman discloses a method as claimed in claim 2 wherein: data relating to an individual includes information concerning one or more of the following subjects: his/her sex, age, marital status, individual medical history, family medical history, usage of alcohol, tobacco and drugs, automobile driving record, credit report, financial statement, criminal record, current medical examination report and results, and physical disabilities and impairments (Libman; col.7, lines 34-42).

F. As per claim 7, Libman discloses a method as claimed in claim 2 wherein: life insurance product includes one or more of the following: whole life, interest sensitive whole life, universal life, variable universal life and term life (Libman; col.16, lines 59-62).

G. As per claim 8, Libman discloses a method as claimed in claim 2 wherein: long-term care includes insurance from one or more of the following coverages: disability insurance, long-term care insurance, critical illness insurance, accidental death insurance, health insurance, major medical insurance, immediate annuities, deferred annuities, other annuities, property insurance, casualty insurance and multi-risk insurance (Libman; col.9, lines 57-63).

H. As per claim 9, Libman discloses a method as claimed in claim 6 wherein:

- i. life insurance product includes one or more of the following: whole life, interest sensitive whole life, universal life, variable universal life and term life; and long-term care includes insurance from one or more of the following coverages (Libman; col.16, lines 59-62):
 - ii. disability insurance, long-term care insurance, critical illness insurance, accidental death insurance, health insurance, major medical insurance, immediate annuities, deferred annuities, other annuities, property insurance, casualty insurance and multi-risk insurance (Libman; col.9, lines 53-63).
- I. As per claim 11, Libman discloses a method for forming an insurance plan comprising the steps of:
- i. selecting or forming a life insurance product (Libman; col.9, lines 50-63);
 - iii. collecting data relating to an individual to be insured (Libman; col.7, line 59 to col.8, line 3);
 - ii. inputting said data about the individual into a data processing apparatus containing information about said life insurance product (Libman; col.7, lines 34-35);
 - iii. collecting regulatory requirements (Libman; col.12, lines 34-37);
 - iv. inputting said regulatory requirements into a data processing apparatus (Libman; col.9, lines 29-38);
 - v. selecting a long-term care product (Libman; col.9, lines 50-63);

- vi. forming in a data processing apparatus at least two separate but related insurance policies from said life insurance product and said long-term insurance product (Libman; col.9, lines 43-63);
- vii. and displaying the resulting related policies (Libman; col.14, lines 9-23 and col. 6, lines 1-14).

The obviousness of modifying the teaching of Libman to include at least two separate but related policies formed from said life insurance product and said long-term care product (as taught by Gamble et al.) is as addressed above in the rejection of claim 1, and incorporated herein.

- viii. comparing said at least two separate but related policies with said regulatory requirements (Libman; col.12, lines 34-37);

The obviousness of modifying the teaching of Libman to include at least two separate but related policies formed from said life insurance product and said long-term care product (as taught by Gamble et al.) is as addressed above in the rejection of claim 1, section xii and incorporated herein.

- ix. determining ownership, beneficiary and premium obligors of said at least two separate but related policies (Libman; col.16, lines 24-33 and col. 7, lines 34-42);

The obviousness of modifying the teaching of Libman to include at least two separate but related policies formed from said life

insurance product and said long-term care product (as taught by Gamble et al.) is as addressed above in the rejection of claim 1, section xii and incorporated herein.

I. As per claim 12, Libman discloses a method as claimed in claim 11 wherein: data about an individual includes information concerning one or more of the following subjects: his/her sex, age, marital status, individual medical history, family medical history, usage of alcohol, tobacco and drugs, automobile driving record, credit report, financial statement, criminal record, current medical examination report and results, and physical disabilities and impairments (Libman; col.7, lines 34-42).

J. As per claim 13, Libman discloses a method as claimed in claim 12 wherein: long-term care includes insurance from one or more of the following coverages: disability insurance, long-term care insurance, critical illness insurance, accidental death insurance, health insurance, major medical insurance, immediate annuities, deferred annuities, property insurance, casualty insurance and multi-risk insurance (Libman; col.9, lines 57-63).

K. As per claim 14, Libman discloses an insurance system comprising:

- i. a data processing apparatus having input means for receiving information and instructions (Libman; col.7, lines 34-42 and col. 8, lines 27-37);

- ii. said data processing apparatus having base product data, regulatory requirements and information concerning a prospective insured (Libman; col.7, lines 35-42, 47-50 and col. 12, lines 34-37);
- iii. said data processing apparatus also having information concerning a life insurance product and a long-term care product (Libman; col.9, lines 43-63);
- iv. means connected to said data processing apparatus for displaying the resulting related contracts (Libman; col.6, lines 1-14 and col. 14, lines 9-23).

The obviousness of modifying the teaching of Libman to include allocating premium obligations, expenses and benefits in a disproportional manner between at least one life insurance contract and at least one long-term care insurance contract (as taught by Gamble et al.) is as addressed above in the rejection of claim 1, section xii and incorporated herein.

- L. As per claim 15, Libman discloses an insurance system as claimed in claim 14.

The obviousness of modifying the teaching of Libman to include allocating premium obligations, expenses and benefits in a disproportional manner between at least one life insurance contract and at least one long-term care insurance contract (as taught by

Gamble et al.) is as addressed above in the rejection of claim 1, section xii and incorporated herein.

M. As per claim 16, Libman discloses an insurance system as claimed in claim 14.

Libman fails to expressly teach the calculation of benefits from all separate but related policies are a function of premiums paid on all related contracts, per se, since it appears that Libman is more directed to the sales and financial report and analysis module which assembles, calculates and outputs the sales, test, financial and projected earnings reports (Libman; col.18, lines 63-65) However, this feature is well known in the art, as evidenced by Gamble et al. In particular, Gamble et al. discloses a calculation of benefits from all separate but related policies are a function of premiums paid on all related contracts (Gamble et al.; col. 7, lines 41-49).

It would have been obvious to one having ordinary skill in the art at the time of the invention to have combined the sales and financial report and analysis module which assembles, calculates and outputs the sales, test, financial and projected earnings reports with a calculation of benefits from all separate but related policies are a function of premiums paid on all related contracts with the motivation of savings in a claims cost of the first insurance policy can be used to reduce the premiums charged to consumers or to

add additional benefits and/or coverage at no additional cost to the consumer (Gamble et al.; col. 7, lines 41-49).

4. Claims 2 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Libman (U.S. Patent No. 5,987,434) and Gamble et al. (U.S. Patent No. 6,163,770) as described above in further view of Sexton et al (U.S. Patent No. 5,752,236).

A. As per claim 2, Libman discloses a method as claimed in claim 1.

Libman fails to expressly teach the base product data includes the probability of an event insured against occurring, the time value of money, the benefits promised, company expenses, company profits and probable contingencies, per se, since it appears that Libman is more directed to entering product related and ancillary information to the system (Libman; col.7, lines 47-58) However, this feature is well known in the art, as evidenced by Sexton et al.

In particular, Sexton et al. discloses the base product data includes the probability of an event insured against occurring, the time value of money, the benefits promised, company expenses, company profits and probable contingencies (Sexton et al.; col. 9, lines 1-9).

It would have been obvious to one having ordinary skill in the art at the time of the invention to have combined entering product related and ancillary information to the system with base product data includes the probability of an event insured against occurring, the time value of money, the benefits promised, company expenses,

company profits and probable contingencies with the motivation of obtaining a gross rate when adding loading for expenses, contingencies and profits to the net rate (Sexton et al.; col. 9, lines 31-39).

B. As per claim 10, Libman discloses a method as claimed in claim 1.

Libman fails to expressly teach adding a rider or riders and/or an option or options to said life insurance product or said long-term care product or both, such riders including one or more from the group of riders including accidental death dismemberment, waiver of premium in event of disability, spousal and children life insurance, guaranteed insurability option for additional insurance, exchange of insured rider, and return of premiums rider for disability and long term care, per se, since it appears that Libman is more directed to accepting future add-on sales programs (Libman; col.18, lines 24-28) However, this feature is well known in the art, as evidenced by Sexton et al.

In particular, Sexton et al. discloses adding a rider or riders and/or an option or options to said life insurance product or said long-term care product or both, such riders including one or more from the group of riders including accidental death dismemberment, waiver of premium in event of disability, spousal and children life insurance, guaranteed insurability option for additional insurance,

exchange of insured rider, and return of premiums rider for disability and long term care (Sexton et al.; col. 7, lines 38-43 and col. 18, lines 12-20).

It would have been obvious to one having ordinary skill in the art at the time of the invention to have combined accepting future add-on sales programs with adding a rider or riders and/or an option or options to said life insurance product or said long-term care product or both, such riders including one or more from the group of riders including accidental death dismemberment, waiver of premium in event of disability, spousal and children life insurance, guaranteed insurability option for additional insurance, exchange of insured rider, and return of premiums rider for disability and long term care with the motivation of rider would exhibit about the same values and benefits per premium paid as a single insurance contract with similar riders and similar premium payments (Sexton et al.; col. 7, lines 38-43).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not use prior art teach System and method for facilitating selection of benefits 2002/0049617, System for appraising a financial product 2002/0091613, Apparatus and method for exposing, evaluating and re-balancing risk for

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decision-making in financial planning 6,684,190 B1, Computer system for automated comparing of universal life insurance policies based on selectable criteria 5,655,085 A.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dilek B. Cobanoglu whose telephone number is 571-272-8295. The examiner can normally be reached on 8-4:30.

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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02/17/2006


C. LUKE GILLIGAN
PATENT EXAMINER